

REMARKS

Applicants have carefully considered this Application in connection with the Examiner's Action, and respectfully request reconsideration of this Application in view of the above Amendment and the following remarks.

Applicants have cancelled Claims 2 – 5, 7 – 9, 15 – 16, 19, 24, 28 – 30, 32 – 34, 36 – 38, 44 – 45, 47, 50, and 53 – 55.

Pending in this Application are Claims 1, 6, 10 – 14, 17 – 18, 20 – 23, 25 – 27, 31, 35, 39 – 43, 46, 48 – 49, and 51 – 52.

I. Amendments to Claims

Applicants have amended Claims 1 and 31 to clarify the meaning of the terms "alkene," "penetrating solvent," "dye," and "aromatic redox compound," in accordance with the descriptions provided in Claims 28 and 53 (now cancelled). Support for the description of the term "alkene" may be found within the Specification at Page 6, line 9 to Page 8, line 12. Support for the description of the term "penetrating solvent" may be found at Page 10, lines 18 – 20. Support for the description of the term "dye" may be found at Page 11, line 22 to Page 12, line 2. Support for the description of the term "aromatic redox compound" may be found at Page 12, lines 10 – 11.

Applicants have also amended Claims 1 and 31 to recite the preferred weight percentages of the components of the pharmaceutical formulation. Support for the preferred range of the "alkene" may be found within the Specification at Page 8, lines 13 – 15. Support for the preferred range of the "penetrating solvent" may be found at Page 11, lines 1 – 3. Support for the preferred range of the "dye" may be found at Page 12, lines 3 – 6. Support for the preferred range of the "aromatic redox compound" may be found at Page 12, lines 16 – 19. In Claim 1, the preferred weight percentages have been defined with reference to the weight of the liquid phase and solid phase in combination, thus excluding the weights of the first and second containers.

II. Rejections Under 35 U.S.C. §112, Second paragraph

Applicants respectfully assert that, in light of the above Amendment, the term “aromatic redox compound” has been properly defined and the claims are no longer indefinite. Thus, Applicants respectfully request that this rejection be withdrawn.

III. Rejections Under 35 U.S.C. §112, First paragraph

Claims 1 – 55 stand rejected under 35 U.S.C. §112, first paragraph, for being non-enabled. Applicants have amended the claims above to clarify the descriptions of the terms “alkene,” “penetrating solvent,” “dye,” and “aromatic redox compound.” Applicants have also amended the claims to recite the preferred weight percentages of the components. Applicants therefore assert that the Specification sufficiently enables a person of skill in the art to carry out the claims as amended.

In addition, Applicants have submitted herewith two copies of a manuscript in preparation entitled “A Novel Intracellular Peroxidation-Inducing Drug Therapy for the Treatment of Coronary Arteriosclerosis with Angina.” The manuscript is submitted as evidence that a person of skill in the art has the ability to carry out the invention as claimed. Applicants also respectfully submit that the individuals named on the manuscript in addition to Dr. Hofmann, i.e. Dr. Lennard Nadalo and Dr. David Winslow, are co-authors of the manuscript but not co-inventors of the current claimed invention.

IV. Conclusion

Applicants respectfully submit that, in light of the foregoing Amendment and remarks, Claims 1, 6, 10 – 14, 17 – 18, 20 – 23, 25 – 27, 31, 35, 39 – 43, 46, 48 – 49, and 51 – 52 are in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner’s Amendment where possible.

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PATENT

Respectfully submitted,

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